

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISIONSANDRA LEE BERNARD
4905 Goodyear Drive
Dayton,, Ohio 45406

}

CASE NO.

}

Plaintiff

}

vs.

}

WALMART INC.
c/o CT CORPORATION SYSTEMS
4400 Easton Commons Way
Suite 125
Columbus, Ohio 45319

}

**COMPLAINT FOR
PERSONAL INJURIES
WITH JURY DEMAND**

}

}

and

}

MEDICAL MUTUAL OF OHIO
c/o CT CORPORATION SYSTEMS
4400 Easton Commons Way
Columbus, Ohio 45319

}

}

}

Defendants

}

Now comes Plaintiff, Sandra Lee Bernard, by and through counsel and for her Complaint states the following:

FIRST CAUSE OF ACTION

1. At all times relevant herein, Defendant, Walmart Inc., owned, operated, and maintained a store at 7725 Hoke Road, Englewood, Ohio 45315, located in Montgomery County,

Ohio and doing business at said location.

2. On or about April 27, 2018, Plaintiff, Sandra Lee Bernard (hereinafter "Plaintiff", was injured as a direct result of an incident that took place while Plaintiff was legally on Defendant's premises as a business invitee on the location stated in paragraph one above.

3. On or about April 27, 2018, Plaintiff, Sandra Lee Bernard, shopped at the Walmart store listed in paragraph 1 above and purchased a 55 inch television from said Defendant.

4. An employee of Walmart was helping Plaintiff to load the television into Plaintiff's Chevrolet Malibu backseat when the employee negligently shoved the television into Plaintiff, knocking her onto the ground. The said employee tried to pick up the Plaintiff and dropped her to the ground.

5. As a direct and proximate cause of the Walmart's negligence, Defendant hit her head and sustained injuries to her head, back and neck.

6. As a direct and proximate result of the aforementioned negligence of the Defendant, Walmart Inc., Plaintiff has suffered physical injuries and damages including but not limited to the following:

- a. Pain in her head, shoulders, back and neck;
- b. Pain and suffering and the loss of ability to perform usual activities;
- c. Reasonable and necessary medical expenses in the approximate sum of \$40,000.00 to date and may incur additional expenses;
- d. Miscellaneous out of pocket expenses in an amount yet to be determined.

WHEREFORE, Plaintiff, Sandra Lee Bernard, demands judgment against the Defendant, Walmart Inc., in amount in excess of \$25,000.00, plus interest and costs of this action.

SECOND CAUSE OF ACTION

7. Plaintiff, Sandra Lee Bernard, realleges as if fully rewritten herein all the allegations in paragraphs one through six of the foregoing Complaint.

8. Defendant, Medical Mutual of Ohio, may have paid medical expenses on behalf of Plaintiff, Sandra Lee Bernard, in connection with the injuries as set forth in the First Claim for Relief.

9. As a result, Defendant, Medical Mutual of Ohio, may have a vested interest in the within action as a result of its claim of subrogation.

9. Defendant, Medical Mutual of Ohio, is being joined in this action to defend and protect its claim of subrogation.

WHEREFORE, the Plaintiff, Sandra Lee Bernard, demands that Medical Mutual of Ohio appear and represent its interests in this within action or be forever barred from pursuing its subrogation claims.

Respectfully submitted,

/s/Rebecca Barthelemy-Smith
REBECCA BARTHELEMY-SMITH
Attorney for Plaintiff
Bar ID# 0003474
7821 N. Dixie Drive
Dayton, Ohio 45414
(937) 454-1100
(937) 454-7344 (fax)
rbsmith@ameritech.net

JURY DEMAND

Now comes Plaintiff, by and through counsel, and hereby demand a trial by jury on all issues of this matter.

Respectfully submitted,

/s/Rebecca Barthelemy-Smith
REBECCA BARTHELEMY-SMITH
Attorney for Plaintiff